IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.26 OF 2007

Arif Husain Ajwani & Ors. ...Applicants

Versus

Barkya Gopal Thakur & Ors. ...Respondents

Shri Jeetendra Sachdev for the Petitioners.
Shri S.P.Kadam for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 16, 2007.

P.C.:

1. The learned Advocate for the Applicants seeks permission to convert this Civil Revision Application into a Writ Petition under Article 227 of the Constitution of India. Permission is granted. Formal amendment to be carried out within a period of four weeks from today.

2. I have heard the learned Advocates appearing for the parties. The Applicants are the Plaintiffs in suit for specific performance. The challenge is to the order dated 29th September, 2006 by which Application made by the fourth Respondent for impleading herself as a party Defendant has been allowed.

3. The fourth Defendant claims on the basis of an agreement executed by the first Defendant.

4. Considering the nature of the order impugned in this Petition, the Applicants can always challenge the said order in an Appeal which may be preferred against the decree passed in the suit, if the said decree is adverse to the Applicants.

5. No case is made out for interference in a Petition under Article 227 of the Constitution of India. Subject to what is stated above, Writ Petition is rejected. All contentions of the parties on merits of the suit are expressly kept open.

JUDGE